

Tuesday, October 23, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**Consent Agenda – Review and Approval:**

**1-11.** This is the time set for consideration of the Consent Agenda.

**Chairperson Patterson:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 11 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Consent Agenda - Board of Supervisors Items:**

1. Submittal of a request to appoint Lee Collins to the Children and Families Commission of San Luis Obispo County.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - General Services Agency Items:**

2. Request to approve a contract with Art Street Interactive INC (Camava) for replacement of the parks reservation system, purchase related equipment and provide IT support in the amount of \$160,000. All Districts.

**Mr. Curtis Black - Parks:** replaces page 2 of the contract.

**This item is amended by replacing page 2 of the contract to replace the word “maximum” with “minimum”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

3. Request to apply for a \$250,000 Land and Water Conservation Fund Grant to remove one block of K Street that bisects San Miguel Community Park and install turf and water efficient irrigation to create a regulation size multi-use ball field in the park. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-260, adopted.**

**Consent Agenda - Health Agency Items:**

4. Request to approve 1) a renewal agreement (Clerk's File) with the California Department of Public Health for FY 2012-13 in the amount of \$801,516 for the Public Health Emergency Preparedness program; 2) an amendment to the fixed asset list to purchase a software application for emergency medical field personnel (\$10,000); and 3) a related budget adjustment in the amount of \$107,464 from unanticipated revenue for Fund Center 160 - Public Health.

**The Board approves as recommended by the County Administrative Officer.**

5. Request to approve: 1) a one-year agreement (Clerk's File) with the State Office of Traffic Safety in the amount of \$183,100 to fund an Injury Prevention Program for Federal Fiscal Year 2012-13; 2) a budget adjustment from unanticipated revenue for Fund Centers 160 - Public Health, 166 - Behavioral Health, and 245 - Public Works; and 3) a related resolution amending the Position Allocation List to add a Limited Term 1.0 FTE Health Education Specialist to Fund Center 160 - Public Health and add a Limited Term 1.0 FTE Drug and Alcohol Specialist II to Fund Center 166 - Behavioral Health.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-261, adopted.**

6. Request to: 1) approve a renewal contract (Clerk's File) with Seneca Family of Agencies, d.b.a. Kinship Center for FY 2012-13 in an amount not to exceed \$1,233,384 to provide mental health services to children/youth that are living with relatives, adopted, or being considered to be adopted and 2) authorize an associated budget adjustment transferring \$21,419 from Fund Center 181 – Foster Care to Fund Center 166 – Behavioral Health and increasing appropriations in Fund Center 166 – Behavioral Health by \$237,984.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Planning & Building Items:**

7. Submittal of a resolution amending the Position Allocation Listing for Budget Unit 142 - Planning and Building. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-262, adopted.**

8. Submittal of a contract (Clerk's File) with California Code Check, Inc. in the amount not to exceed \$1,305,000 to conduct construction inspection services for the California Valley Solar Ranch (SunPower) and Topaz (First Solar) project and authorize a budget adjustment, in the amount of \$318,750 from unanticipated revenue to Fund Center 142.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

9. Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from the James and Janet Bahringer 2006 Trust and from Linn's Farm, et al for the Main Street Bridge Replacement Project, Cambria, CA, (WBS 300180). District 2.

**Mr. Phil Acosta – Public Works Right of Way Agent:** replaces pages 2 and 3 of the staff report.

**This item is amended by replacing pages 3 and 4 of the staff report to correct the Other Agency Involvement section. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

10. The following map has been received and has satisfied all the conditions of approval that were established in the public hearings on the tentative Parcel Map CO 07-0176, a proposed subdivision resulting in 2 lots by Winston L. and Theresa Anderson; and 1) act on the attached resolution to accept relinquishment of access; and 2) act on the attached resolution to accept the Avigation easement for the unincorporated area southeast of San Luis Obispo. District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2012-263 and 2012-264, adopted.**

**Consent Agenda Public Works - Board Sitting as Flood Control District:**

11. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Salinas Dam Booster Pump Station Upgrade, Santa Margarita, CA, Contract No. 535R155711. Districts 3 and

5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-265, adopted.**

**Public Comment Period:**

**12.** This is the time for members of the public wishing to address the Board on matters other than scheduled items.

**Ms. Julie Rodewald - Clerk-Recorder:** provides an update on the November 6, 2012 Presidential General Election; the number of voter registrations received; and deadlines for voters.

**Mr. Eric Greening and Dr. C. Hite:** speak to the upcoming discussion on October 30, 2012 regarding the proposed seismic testing.

**Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB):** presents and discusses a printout of Item No. 13 regarding the Fall General Plan Amendment Cycle showing how this item is displayed on the website; and recommends the proposed amendments for this item be rescheduled and heard separately.

**Mr. Jerri Walsh:** addresses concerns regarding the recent lateral potholing construction that occurred on her street and questions the cost to fix one pothole.

**Ms. Laura Mordaunt:** presents and discusses a handout regarding the "3 E's" (Environment, Equity and Economics).

**Mr. Al Barrow (Photographs), Ms. Julie Tacker, Ms. Gwynn Taylor, Mr. Ben DiFatta, Ms. Linde Owen (Photographs) and Mr. Richard Margetson:** address issues relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Taylor presents and discusses an article entitled "*A statewide sting cracking down on unlicensed contractors.*" Furthermore, Mr. Barrow comments on the upcoming discussion regarding proposed seismic testing. **No action taken.**

**Hearings:**

**13.** Hearing to consider a request by the County of San Luis Obispo to amend the Economic Element and Framework for Planning (Part 1 of the Land Use Element) of the County's General Plan and Sections 22.30.070, 22.30.075, 22.06.030, and 22.80.030 and Chapters 22.24 and 22.26 of the Land Use Ordinance, Title 22 of the County Code. All Districts.

**(This item is amended per the addendum to the agenda by replacing the subject line to provide more detail to read as follows: "Hearing to consider a request by the County of San Luis Obispo to amend the (1) Economic Element of the County General Plan, (2) Sections 22.06.030, 22.30.070, 22.30.075, 22.80.030 of the Land Use Ordinance relating to Olive Oil processing and Agricultural Retail Sales (replacing Roadside Stand with Field Stand and Farm Stand) and (3) the Framework for Planning – Part I of the Land Use Element of the County General Plan and Chapters 22.24 and 22.26 of the Land Use Ordinance relating to the Transfer of Development Credit Program. All Districts." Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)**

**Mr. Jason Giffin – Planning and Building Director:** addresses the amended subject change.

**Mr. Dana Lilley – Planning and Building:** suggests the following amendments to the Economic Element of the General Plan: 1) Policy EE 1.7 by removing "of regional significance," and replacing the word "should" with "may"; 2) Policy EE 3.4 by removing "Especially in existing communities with higher unemployment"; and 2) by correcting the spelling of Supervisor Teixeira's name on page 2.

**Chairperson Patterson:** opens the floor to public comment on the amendments to the Economic Element of the County General plan, Exhibit LRP2011-00014:A.

**Ms. Jackie Crabb – Farm Bureau, Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB), Mr. Rob Rosales – Templeton Chamber of Commerce, Mr. Jerry Bunin – Homebuilders Association Government Affairs, Mr. Kris Vardas – San Luis Obispo Economic Vitality Corporation (EVC); Ms. Courtney Kienow – San Luis Obispo Chamber of Commerce, Mr. Richard Margetson, Mr. Bill Pelfrey, Mr. Al Barrow,**

Mr. Tom Dawson, Ms. Laura Mordaunt and Mr. Mike Manchak: speak.

The Board amends the Economic Element of the County General plan as follows: Page 2 of 34, by correcting the spelling of Supervisor Teixeira’s name; Page 8 of 34, under “What is the Economic Element”, by adding at the end of the paragraph “as well as all other adopted elements of the County General Plan”; Page 15 of 34, Policy EE 1.7, by removing “of regional significance”, by replacing the word “should” with “may”, and by adding “and services.” to the end of the paragraph; Page 19 of 34, Policy EE 3.33, by adding “and services” between the words “and” and “to” and Policy EE 3.4, by removing “Especially in existing communities with higher unemployment.” Furthermore, the Board tentatively approves the amendments to the Economic Element of the County General Plan as shown in Exhibit LRP2011-00014:A and as amended by this Board.

Motion by: Bruce S. Gibson  
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)		x		
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Supervisor Mecham: outlines why he is recommending a continuance on the proposed amendments relative to olive oil processing.

Chairperson Patterson: opens the floor to public comment on the amendments to Title 22, Sections 22.06.030, 22.30.070, 22.30.075, 22.80.030 of the Land Use Ordinance relating to olive oil processing and agricultural retail sales (replacing roadside stand with field stand and farm stand), Exhibit LRP2011-00010:C.

Mr. Art Kishiyama – Central Coast Oil Growers (CCOG) President, Mr. Bob Rose - Homestead Oil Ranch; Ms. Joy Fitzhugh (handout) and Mr. Mike Brown – COLAB: speak.

The Board continues the hearing regarding amendments to Title 22, Sections 22.06.030, 22.30.070, 22.30.075, 22.80.030 of the Land Use Ordinance relating to olive oil processing and agricultural retail sales (replacing roadside stand with field stand and farm stand), as shown in Exhibit LRP2011-00010:C. to the next Winter General Plan Amendment Cycle on Tuesday, November 13, 2012.

Motion by: Frank Mecham  
Second by: Paul A. Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Chairperson Patterson: opens the floor to public comment on amendments to the Framework for Planning – Part I of the Land Use Element of the County General Plan and Chapters 22.24 and 22.26 of the Land Use Ordinance relating to the Transfer of Development Credit Program, Exhibits LRP2008-00012:A and LRP2008-00012:B.

Mr. Mike Brown – COLAB: speaks.

The Board tentatively approves the amendments to the Framework for Planning – Part I of the Land Use Element of the County General Plan and Chapters 22.24 and 22.26 of the Land Use Ordinance relating to the Transfer of Development Credit Program as shown in Exhibits LRP2008-00012:A and LRP2008-00012:B.

Motion by: Bruce S. Gibson  
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			

Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Ms. Kami Griffin – Planning and Building Assistant Director:** states before the Board takes final action, the resolution will need to be amended to remove all references and exhibits relating to olive oil processing.

The Board amends the resolution by removing paragraph 3 and associated exhibits attached to the resolution relative to olive oil processing and agricultural retail sales (replacing roadside stand with field stand and farm stand) and RESOLUTION NO. 2012-266, a resolution to amend the Economic Element of the San Luis Obispo General Plan, the Framework for Planning, Part 1 of the Land Use Element of the San Luis Obispo County General Plan, and the Land Use Ordinance, Title 22 of the County Code, adopted as amended. Furthermore, the readings of the proposed ordinances are waived and said proposed ordinances are read by title only and ORDINANCE NO. 3233, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapters 22.24 and 22.26, the transfer of Development Credits (TDC) Program and ORDINANCE NO. 3234, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Chairperson Patterson:** tables Closed Session to the end of the day.

**Introduction of Cattleman of the Year:**

This is the set time for an introduction of the Cattleman of the Year by the Cattlemen's Association.

**Mr. Steve Johns - Cattleman’s Association:** introduces Pete Tognazzini as the 2012 Cattleman of the Year.

**Mr. Tognazzini:** speaks. **No action taken.**

**THE BOARD ADJOURNS FOR LUNCHEON AT THE MADONNA INN.**

**Presentations:**

15. Submittal of a resolution recognizing an employee for 35 years of service.

**Ms. Lynn Wiech – Library:** receives her 35 year service award, with Mr. Brian Reynolds – Library Director highlighting her history with the County.

**RESOLUTION NO. 2012-267, a resolution commending Lynn Wiech in recognition of 35 years of service with San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

16. Submittal of a resolution proclaiming the month of October 2012, “San Luis Obispo County Domestic

Violence Awareness Month.”

Ms. Cindy Marie Absey – District Attorney Victim/Witness Assistance Program Director, Ms. Beth Rob – San Luis Obispo Women’s Shelter Program, Ms. Jenny Adams – North County Women’s Resource Center and Mr. Gerald Shea – District Attorney: speak.

RESOLUTION NO. 2012-268, a resolution designating October 2012 as San Luis Obispo County Domestic Violence Awareness Month, adopted.

Motion by: Frank R. Mecham  
Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business:**

17. Submittal of a resolution approving the Water Conservation Implementation Plan for the Los Osos Wastewater Project, Los Osos, CA. District 2.

Chairperson Patterson: opens the floor to public comment.

Mr. William Schwarz – Niagara Conservation Corporation, Ms. Julie Tacker, Mr. Jeff Edwards, Ms. Gwynn Taylor, Ms. Elaine Watson, Ms. Linde Owen, Mr. Richard Margetson, Dr. C. Hite, Mr. Leonard Moothart – Los Osos Community Services District (LOCSD) and Ms. Susan Morrow – LOCSD General Manager: speak.

RESOLUTION NO. 2012-269, a resolution approving the Water Conservation Implementation Plan for the Los Osos Wastewater Project, adopted. Furthermore, the Board directs staff to return to the Board with a formal report on the implementation plan and to evaluate the possibility of extending the first-year rebate program as soon as they have information to report but no later than a year from now by November 2013.

Motion by: Bruce S. Gibson  
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Closed Session Items:**

14. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
- A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Edna Valley Watch, et al. v. County of San Luis Obispo, et al., (CV080636); 2. In re Los Osos Community Services District (Bankruptcy).
- B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
- II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.) It is the intention of the Board to

meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. DCCA; 6. Unrepresented Management and Confidential Employees; 7. SLOCPPOA; 8. SLOCEA-Public Services, Supervisors, Clerical; 9. Deputy Sheriff’s Association; 10. DAIA; 11. SLOCEA-Trades and Crafts; 12. Sheriffs’ Management; 13. SLOCPMPOA.

**Chairperson Patterson:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 23, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: November 1, 2012